

REMARKS

Claims 1-17 are pending. Claims 2-15 have been withdrawn from consideration. By this response, claim 1 is amended. Reconsideration and allowance based on the above amendment and following remarks are respectfully requested.

Objections

Claims 1, 16 and 17 are objected to because it is asserted that the recitation of "in a front seat area" does not correspond to the specification on page 20 in which refers to the operating means being mounted in the "neighborhood" of the driver. The specification is also objected to as failing to provide proper antecedent basis for this claimed feature.

First, Applicants note that the description of the "operation means" is not limited to pages 19-21 of the specification which explicitly refer to FIG. 3. As it is well understood, many elements are the same or similar throughout various embodiments and the descriptions for these particular element are also pervasive throughout the specification and not limited to a description of a particular embodiment. Applicants respectfully submit that this same operating means is discussed in all embodiments of the specification and thus a description is found throughout the specification.

Applicants note that with regards to FIG. 2, the operating means is discussed as "near the driver" and illustrated as being located in the front seat area specifically in the dash board area of the vehicle.

It is also noted that the term "neighborhood" of the driver means anywhere at the driver or the drivers immediate surrounding area. It is respectfully submitted that one of ordinary skill in the art would understand this as part of the ordinary dictionary definition. The specification provides a

broad description where the operating means is placed by the driver leaving open multiple options. In this respect, Applicants have amended the claims to be more specific within this described. Therefore, the recited front seat area is encompassed within the disclosed "neighborhood" area.

In view of the above, Applicants respectfully submit that there is support for the claimed terminology. Accordingly, reconsideration and withdrawal of any objections are respectfully requested.

Prior Art Rejections

Claims 1 and 16 stand rejected under 35 U.S.C. § 103(a) in view of Heumann et al. (US 5,661,811) in view of Nicholson et al. (US 6,330,337) and claim 17 stands rejected under 35 U.S.C. § 103(a) in view of Heumann, Nicholson and Smith et al. (GB 2 246 688A). These rejections are respectfully traversed.

Claim 1 has been amended to recite, *inter alia*, a control device for outputting a first control signal based on the operation performed by said operating device in a first signal attenuator for abruptly attenuating an input signal to said headphone in response to said first control signal such that a volume means or headphone is zero. Applicants respectfully submit that Heumann, Nicholson and Smith fail to teach these features.

In Heumann, the rear seat controls must be consistent with the front seat controls. However, this consistency implies that the rear seat controls cannot override functions already being performed by the front seat controls. (see column 4, lines 11-24). Being compatible with the front seat controls does not mean that if the front seat controls lowers their volume, then this will also lower the volume of the rear seat controls. In fact, at lines 21-23 it states that "if the front control is off, there is no restriction on the vehicle's control" It is

apparent the rear seat and the front seat controls are independent except for rear seat controls cannot override any operation by the front seat controls which leads it to be "compatible".

There is no teaching in Heumann of controlling the rear seat headphones. The only teaching in Heumann of controlling the rear seat headphones is based on the rear seat control 34. Thus, Heumann does not teach or suggest "an operating device mounted in the front seat area near the driver" in which operation of this particular device by the driver affects the volume of the headphones in the rear seat.

Further, Nicholson fails to remedy the deficiencies of Heumann. Nicholson teaches a system which includes a main control unit 10 and a rear console 12. The rear console includes headphones which are operated by the rear console unit. While the main control unit may control some aspects of the rear console, the main control unit does not act to abruptly attenuate the rear headphones to a volume of zero upon selection of an operating device.

Further, Smith does remedy this deficiencies. Smith teaches attenuation between 10 and 20dB is possible. However, Smith does not teach or suggest providing an operating device which when selected abruptly attenuates rear headphones to the volume of zero.

In view of the above, Applicants respectfully submit that the combination of Heumann, Nicholson and/or Smith fails to teach or suggest all the features of Independent claim 1 as required. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion


For at least the above reasons, it is respectfully submitted the claims 1, 16 and 17 are distinguished from this art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: August 15, 2008

Respectfully submitted,

By 
Chad J. Billings
Registration No.: 48,917
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant